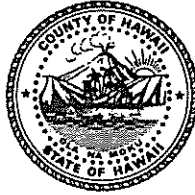


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL
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DEC 08 1997

Claudia J. Rohr and Scott L. Andrews
P.O. Box 5387
Hilo, HI 96720

Dear Ms. Rohr and Mr. Andrews:

Use Permit Application (USE 97-21)
Applicant: Claudia J. Rohr and Scott L. Andrews
Request: Establishment of a 5-Bedroom Bed and Breakfast Operation
Tax Map Key: 2-1-18:5

The Planning Commission at a duly advertised public hearing on November 13, 1997, considered the above-referenced request for a Use Permit in accordance to Chapter 25, (Zoning Code), Hawaii County Code 1983, as amended, and Rule 7 of the Planning Commission Rules of Practice and Procedure, to allow the establishment of a 5-bedroom bed and breakfast operation within a proposed 7-bedroom dwelling within the County Single Family Residential (RS-15) zoned district. The property is located on the north side of Nene Street approximately 390 feet west of its intersection with Oeoe Street at Waiakea, South Hilo, Hawaii.

Although the Planning Director had recommended approval of the application to the Planning Commission, the Commission voted to deny Use Permit No. 172 based on the following findings:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits requires that such action conform to the following guidelines:

- A. The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan.
- B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties.

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DEC 08 1997

- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

Non-conformance with any of the above-mentioned guidelines would require that the requested Use Permit be denied.

The proposed use will cause substantial, adverse impacts to the community's character and to surrounding properties. While bed and breakfast operations are recognized by the County as viable commercial entities which could be appropriate within a single family residential area, the County also recognizes that the establishment of such an operation within certain locations may not be appropriate given the character or physical attributes of that particular locale, hence, the requirement that a Use Permit be secured from the Planning Commission to permit the thorough assessment of each proposed use within the area it wishes to operate.

The Planning Commission assessed the proposed use and its effect on surrounding properties and the community, character of the land and present use before such a use was approved by the Commission. The following landowners and/or residents who reside in the immediate vicinity of the subject property have expressed their opposition to the request:

1. Donna Saiki, representing the Leleiwi Community Association;
2. Lynn Nakkim, adjacent neighbor on TMK: 2-1-18: 11;
3. Douglas McKern, TMK: 2-1-18: 1; and
4. Bob Wilkins, TMK: 2-1-17: 55.

The granting of the proposed use is not consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses, as well as consistency with the goals and policies of the General Plan. According to the Zoning Code, Single Family Residential districts "provide for lower or low and medium density residential use, for urban and suburban family life." The applicants are requesting that they be allowed to establish a 5-bedroom bed and breakfast operation within a proposed 7-bedroom dwelling on their property. The proposed dwelling consists of two separate structures connected by a trellis. One of the guest bedrooms for the proposed bed and breakfast operation would be located in the main portion of the dwelling, while the remaining 4 guest bedrooms would be located in a separate portion of the dwelling. The Commission expressed that the proposed dwelling resembled a motel or lodge, rather than a typical small bed and breakfast operation wherein all the guest bedrooms are customarily located in one structure. Thus, the bed and breakfast use would not complement and be accessory to the primary use of the dwelling as a residence on the building site. Therefore, the proposed use would not be consistent with the general purpose of the zoned district and the intent and purpose of the Zoning Code.

The General Plan designation for this area is Low Density Urban Development, which allows for single-family residential uses, ancillary community and public uses and convenience-type commercial uses. Although the proposed structure is a 7-bedroom dwelling, the site plan reflects two separate structures, one of which is strictly for the proposed 4 guest bedrooms for the bed and breakfast use. Therefore, the bed and breakfast establishment would not operate within the parameters of being single-family residential in character, and is not consistent with the General Plan designation. Further, the proposed use will not be consistent with the goals and policies of the General Plan which states "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and "Encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents of the County."

The surrounding uses in the area are vacant or in single-family residential use. Residents in the vicinity of the subject property and the Leleiwi Community Association expressed their opposition to the proposed use, as the new construction would forever alter the residential character of the neighborhood and negatively impact the recreational nature of the community. The public expressed concerns that the two proposed buildings with a structural connection resembled a "maximum size B&B" more than a single family dwelling, thus, altering the residential character of the neighborhood. In addition, residents felt that the community had reached its maximum density for bed and breakfast establishments in the area. Further, residents opposed the construction of a new bed and breakfast operation, citing the small community's inability to absorb additional traffic and congestion on the roadways. Residents of the surrounding area also testified that the proposed bed and breakfast establishment would not only generate more traffic and noise, but ultimately result in the end of the quiet enjoyment of one's property. The applicants' proposed plans to sponsor on a weekly basis events such as hula halaus on the portion of their front property lot fronting Kalaniana'ole Street would result in an additional increase in traffic and create an adverse impact to the character of the area. Public testimony also stressed the need to preserve Hilo's beach parks and the recreational nature of the neighborhood and protect the area from rampant development. As such, the granting of the proposed use would be materially detrimental to the public welfare and will cause substantial, adverse impact to the community's character or to surrounding properties. Further, the proposed use will alter the appearance or character of the neighborhood and will not be in keeping with the residential nature of surrounding properties. Therefore, the request is not consistent with the zoned district, and the intent and purpose of the Zoning Code and the County General Plan.

The granting of the proposed use will unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. Access to the subject property is from Nene Street, which is owned by Department of Hawaiian Home Lands (DHHL) but maintained by the County. Nene Street has a 10-foot 5-inch pavement, with 6-foot grass shoulders on both sides. According to the Department of Public Works, a minimum 16-foot wide pavement width is the acceptable standard for two-way vehicular traffic for a minor roadway. As Nene Street is a DHHL roadway, permission for access to the subject property and liability issues remain unresolved. According to the applicants, the proposed secondary access from their front property on Kalaniana'ole Street is a pedestrian walkway, and is not intended for vehicular use other than fire apparatus access. Further, the extensive parking necessary for the proposed bed and breakfast operation will detract from the largely

residential character of the surrounding neighborhood. Those opposing the proposed use felt that guests of the bed and breakfast establishment and the applicants' proposal for special events on the subject property would place a heavy burden on the existing roadway and substantially increase traffic and parking problems.

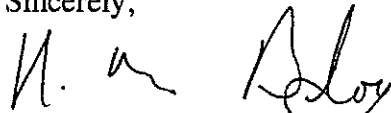
Based on the above, the request for a Use Permit to allow the establishment of a 5-bedroom bed and breakfast establishment within a proposed 7-bedroom dwelling on the subject property is denied.

As stated in Rule 7-9 of the Planning Commission Rules of Practice and Procedure, "The Commission's decision is appealable to the Board."

Please be advised that pursuant to Rule 8-3 of the Board of Appeals Rules of Practice and Procedure, "An appeal from the decision of the Director, the Commission, or the Chief Engineer shall be filed within thirty days after the decision."

Should you have any questions on this matter, please feel free to contact Alice Kawaha or Phyllis Fujimoto of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

LRohrC01.PC

cc: Department of Public Works
Department of Water Supply
Corporation Counsel
Ms. Donna Saiki